

EXHIBIT A



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

January 19, 2007

Re: Kingsbridge Heights Rehabilitation
and Care Center
Case Nos. 2-CA-37701
2-CA-37802

Hanan B. Kolko, Esq.
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Dear Mr. Kolko:

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied.

A review of the evidence failed to establish that the Employer discharged June Bennett, Joyclyn McCalla, Angela Hiatt or Juan Villalon because of their union activities, rather than for the legitimate business reasons advanced by the Kingsbridge Heights Rehabilitation & Care Center. Similarly, the evidence failed to establish that the Employer disciplined Sherlock Steward because of his union activities, rather than for the reason advanced by the Employer. The evidence established that the Employer would have proceeded with the terminations and discipline even in the absence of protected activities under the National Labor Relations Act. *Wright Line, Inc.*, 251 NLRB 1083 (1980), *enfd* 662 F.2d 899 (1st Cir. 1981), *cert denied* 455 U.S. 989 (1982). In this regard, it was noted that the Employer possessed corroborating evidence on which it acted before proceeding with the terminations. Accordingly, further proceedings herein were deemed unwarranted.

Sincerely,

Ronald Meisburg
General Counsel

By


Yvonne T. Dixon, Director
Office of Appeals

Case Nos. 2-CA-37701, et al.

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cc: Director, Region 2

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